

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR MANUEL TAGLE,

Petitioner,

vs.

D. W. NEVEN, et al.,

Respondents.

Case No. 2:13-cv-01832-JCM-CWH

ORDER

Petitioner has submitted a motion to investigate abuses (#33). He appears to be complaining about the mail service in prison. This is an allegation of the conditions of his confinement, not an allegation that he is in custody in violation of the constitution or statutes of the United States. The allegation should be addressed in a civil rights action pursuant to 42 U.S.C. § 1983, not a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991). The court denies the motion to investigate abuses (#33).

Petitioner has submitted three motions for transportation of inmate for court appearances (#35, #36, #38), and respondents have submitted an opposition (#39). The court denies these motions because the court has not scheduled any hearings in this action.

Respondents have submitted a motion to seal (#45), petitioner has submitted a motion to strike (#48), respondents have submitted an opposition (#51), and petitioner has submitted a reply. Exhibit 19 to the motion to dismiss (#40) is the pre-sentence investigation report.¹ It contains

¹Respondents refer to the exhibit erroneously as “exhibit 9.”

1 information that is confidential under state law. Apparently, when respondents filed the exhibit
2 unsealed, petitioner received a copy, and then respondents had prison officers retrieve that copy
3 from petitioner. The court accepts respondents representation that petitioner may view a copy of the
4 report if he requests it. The sealing of the report does not mean that the court is removing it from
5 the docket, and the court can refer to the report at any time. The court grants respondents' motion
6 (#45) and denies petitioner's motion (#48).

7 Petitioner has submitted a motion for extension of time (#46) to respond to respondents'
8 motion to dismiss (#46). The court grants this motion and notes that it received petitioner's
9 opposition (#47) the day after he filed this motion.

10 Petitioner has submitted a motion to disregard or dismiss (#50) respondents' reply (#49) to
11 petitioner's opposition to the motion to dismiss. Petitioner's motion is, in effect, a response to
12 respondents' reply (#49), and it is not authorized by Local Rule 7-2. The court denies petitioner's
13 motion.

14 IT IS THEREFORE ORDERED that petitioner's motion to investigate abuses (#33) is
15 **DENIED**.

16 IT IS FURTHER ORDERED that petitioner's motions for transportation of inmate for court
17 appearances (#35, #36, #38) are **DENIED**.

18 IT IS FURTHER ORDERED that respondents' motion to seal (#45) is **GRANTED**. The
19 clerk of the court shall **SEAL** respondents' exhibit 19, currently in the docket at #41-19.

20 IT IS FURTHER ORDERED that petitioner's motion to strike (#48) is **DENIED**.

21 IT IS FURTHER ORDERED that petitioner's motion for extension of time (#46) is
22 **GRANTED**.

23 IT IS FURTHER ORDERED that petitioner's motion to disregard or dismiss (#50) is
24 **DENIED**.

25 DATED: March 18, 2015.

26
27 
28 JAMES C. MAHAN

United States District Judge